

Executive Committee Meeting Minutes

Santa Monica Bay Restoration Commission

May 19, 2011, 1:30 to 3:30 pm

Office of State Senator Fran Pavley, Santa Monica, CA

Attendance:

Richard Bloom

Fran Diamond

Mike Gin

Mark Gold

Stephanie Molen (for Senator Pavley)

Absent:

Liz Crosson

Mark Pestrella

Staff Present:

Shelley Luce, Scott Valor, Guangyu Wang

Guests:

Dean Kubani

Rebekah Rodriguez-Lynn

John Davis

Douglas Fay

Kathy Knight

Patricia McPherson

Jeanette Vosburg

Note: Agenda Items are listed in the order in which they were taken up.

The meeting was called to order at 1:38 pm. Dean Kubani chaired the meeting until 2:10 pm. Thereafter Richard Bloom chaired the meeting.

Agenda Items 1 & 2. Approval of March 17, 2011 Meeting Minutes & Order of Agenda

Minutes approved, as amended, without objection (M: Diamond, S: Gold). Agenda order not changed.

John Davis requested that the minutes agenda item be removed, per Bagley-Keene. He is submitting a document regarding the minutes.

Patricia McPherson stated that she asked for a presentation at the Governing Board and that she was denied. She submitted a document asking for a presentation with an outline of the information she wished to impart. She asked for a policy regarding presentation requests. She asked that “wants agendized” to “make a request for presentation.” Will be amended.

Douglas Fay commented on his comments. He mentioned that the outfall is not monitored at Hyperion and wanted to know if it was still happening. He noted that the comments did not accurately reflect what he stated. He would like to see “enhancement” projects considered (not “restoration” projects.

Will strike the term “confused” from John Davis’s comments.

John Davis request removal of agenda item 5 because he states that the EC does not have the authority to establish the agenda for the Bay Watershed Council. He introduced a document to that effect.

Agenda Item 3. Public Comment

Douglas Fay commented on the Sierra Club Ballona Wetlands presentation and thanked the hosts. He noted that his father's recommendations for the wetlands are not considered by the SMBRC. He also submitted a document regarding enhancement of the Santa Monica Bay with regard to the Commission's policies.

Patricia McPherson takes offense at staff and board member's alleged hostilities toward John Davis's comments. She notes that they have given us a Public Records Act request asking for documents regarding the Bay Watershed Council, which she believes is a separate entity, apart from the SMBRC. She noted that she just received a response to her PRA request. She submitted a document noting issues she wanted responses to.

Luce noted that the PRA request was responded to in a timely fashion. She also noted that many of the requests are not subject to public records.

John Davis noted the lack of decorum by the Executive Committee. He read from a document submitted that states that SMBRC is not authorized to use non-state water board entities or personnel. He also noted that various staff were not authorized to be there.

Kathy Knight shared information regarding the Sierra Club's Ballona Wetlands rejuvenation program. She made a request to do a presentation to the full SMBRC commission regarding their plan. She gave some detail regarding the presentations.

David Barish, from We Are Marina Del Rey, noted that Councilmember Rosendahl suggested he attend. He is working with him and Assy. Butler regarding development in Marina del Rey, asking for a more balanced development approach. He has asked that the SMBRC agendaize a presentation regarding Local Coastal Program Amendments at the next meeting. He noted that it may be heard as early as June 15-17, but will ask for a delay in the LCP hearing. He submitted a document to that effect.

Agenda Item 4. Reports from Executive Director & Staff

Public Comment: John Davis asks for this agenda item to be removed because of insufficient detail. He submitted a document to that effect.

Patricia McPherson wants more groups to be involved in the Bay Watershed Council. She states that she was told that there are no minutes of the Bay Watershed Council. She asks that Richard Bloom as President of the Bay Watershed Council should provide information.

She noted that PRA queries have not been answered.

Malibu Lagoon Update. Luce noted that a hearing on the stay will take place tomorrow.

IRWMP. Luce noted that we received submissions from a consulting team to further the IRWMP plan. The IRWMP Leadership Committee will review the plan. Open space & water resource issues will be integrated into it for the first time. Gold asked if metrics would be included in the open space portion. Luce is hoping that this would happen.

Website. We are working on a dot gov website for SMBRC matters, keeping it simple. This will be separate from the Foundation website, but they will have links to each other.

MOU Update. We will be looking at updating the MOU because of archaic references and for some streamlining.

Public Land Contributions to WQ Issues. Luce noted that State Parks and other agencies don't participate in TMDL planning. Because these agencies have parking lots that contribute to runoff, Barbara Cameron and others believe they should be brought into this discussion. Jeanette Vossburg noted that she is putting in pavers in place of asphalt. It is cheaper than concrete or asphalt. Richard Bloom asked, if these projects are in the Coastal Zone, couldn't the Coastal Commission enter the conversation and require it with most, if not all, projects.

LCP for Marina del Rey. Luce noted that SMBRC staff doesn't normally comment on LCPs, etc., because not all GB members may agree. She noted that we have not asked the GB to take a position on LCPs. She notes that it is outside the scope of our normal duties, but we can consider that at a future EC meeting. Gold is comfortable with staff's discretion on whether or not this is important.

Ballona Wetlands Outreach. Luce noted that we doing monthly outreach meetings and tour Area A on occasion. The next one is the third Saturday in June. We also do occasional nature walks.

Strategic Financial Plan. Luce stated that the Foundation work will be continued through the Foundation, as the strategic plan applies to it. Luce noted that the Foundation would bring a draft back to the EC for a report.

Contaminated Fish Signs. Gold noted that signs are going up on piers from Seal Beach to Santa Monica Pier regarding no-consumption fish due to DDT and PCBs.

Agenda Item 5. Establish Bay Watershed Council Agenda for June

John Davis stated that the EC does not have the authority to establish the BWC agenda. He incorporates by reference his comments on Item 1 and 2. He submitted documents supporting his position.

Luce noted that we will have semi-annual BWC meetings from now on.

Election of BWC Member to At-Large Position on GB. Luce noted this position is open. We will send out a call for nominations after this meeting.

Presentation on SMBRC Structure.

Motion to include both items (M: Diamond, S: Gin) on the BWC agenda. Added without objection.

Agenda Item 6. Establish Governing Board Agenda for June

Public Comment: John Davis stated that the Marina del Rey estuary should be agendized to address how to address its impairments. He also noted that Public Law 780 should be considered when addressing this issue.

Proposition 84 Grants.

Luce noted an RFP was released, applications were reviewed, and recommendations have been made. She distributed the recommendations to the EC to determine whether or not this should be

considered at the June GB meeting. There is not a tight deadline here, considering the state budget process.

FY 2012 Work Plan.

Luce noted a funding cut, so some programs will be cut. Otherwise there are no major changes. This will not be on the GB agenda for June.

Public Comment Policy.

Luce noted that the GB asked for refinement. Members and SWRCB legal counsel added additional language.

Arroyo Sequit Project Grant (Prop 50).

Luce noted that this was a 2005 award to Heal the Bay, but State Parks stalled it due to various details and Parks' existing policy. Parks' policy noted that no outside entity could manage a project on State Parks land. No money was forwarded in that grant at that time. Luce noted that State Parks requests the funding to be reduced, that SMBRF oversee design and planning (\$300K), and \$1.3 M to State Parks to oversee construction.

Motion to approve Work Plan, Public Comment Policy, and Arroy Sequit project for the GB agenda (M: Gold, S: Gin). Approved without objection.

Luce noted that presentations on the Governing Board agenda are requested by GB members based on relevance. She also noted that at the BWC meeting a structural presentation will exist.

Agenda Item 7. Member Comments and Announcements Regarding Matters not on the Agenda

Public Comment: John Davis opined on the Magna Carta and the US and California State constitutions. He also commented on US Public Law 780.

Patricia McPherson noted that PRA requests were not responded to and noted that they had to go to State Water Board legal counsel to seek information. She stated that she still had not received reports she has requested. She has a lot of questions regarding the BWC.

Gin stated that legal issues that have developed that we have legal counsel come to our meetings. Molen wants to be sure that documents are available to note that we have a response. All GB members have asked that legal counsel monitor questions raised of the board. Staff noted that they are in regular communication with State Water Board legal counsel. The State Water Board's budget issues have deterred them from sending someone to SMBRC meetings regularly, but that they stay in regular contact and monitor SMBRC issues.

Agenda Item 8. Adjournment

Public Comment: John Davis stated that as soon as you lose a quorum you are adjourned. Staff noted that this is not consistent with existing state law (Bagley-Keene).

The meeting was adjourned at 3:17 p.m. without objection.